

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.4221 OF 2004  
IN  
CRIMINAL APPEAL NO.1166 OF 2004

Manohar Vithoba Gore ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. Vijay C. Desai for the applicant.

Mr. R.Y. Mirza for the respondent.

CORAM: V.M.KANADE,J.

DATE: 27th October, 2004

PC:.

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP for the respondent -

State.

2. Applicant is convicted by the Trial Court under section 307 of the Indian Penal Code and sentenced to suffer R.I. for five years. The allegation against the applicant is that he had assaulted the complainant with a spade and, as a result, the complainant received injuries on his head and his scull was fractured. However, the complainant has stated in his evidence that he did not see as to who had assaulted him on his head.

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3. Under the circumstances, the applicant is directed to be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. Applicant, however, shall not enter the City of Mumbai, pending the hearing and final disposal of the appeal. He shall give his new address to the Jail Superintendent before his release and, thereafter, report to the nearest Police Station from his new residence.

V.M. KANADE, J.